

**AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MR. CULBERSON OF TEXAS**

At the end of the bill (before the spending reduction account), insert the following:

1 SEC. _____. No funds or fees made available to the
2 Secretary of Homeland Security, or to the head of any
3 other Federal agency, by this Act or any other Act may
4 be used to release from Federal custody, other than for
5 removal from the United States, any lawfully detained
6 alien—

7 (1) who has engaged in or suspected of ter-
8 rorism or espionage, or who otherwise poses a dan-
9 ger to national security;

10 (2) who has been convicted of an offense for
11 which an element was active participation in a crimi-
12 nal street gang, as defined in section 521(a) of title
13 18, United States Code, or aliens not younger than
14 16 years of age who intentionally participated in an
15 organized criminal gang to further the illegal activity
16 of that gang;

17 (3) who has been convicted of an aggravated
18 felony, as defined in section 101(a)(43) of the Immi-

1 gration and Nationality Act (8 U.S.C. 1101(a)(43))
2 at the time of conviction;

3 (4) who has been convicted of three or more
4 misdemeanor offenses arising out of not less than 3
5 separate incidents, other than minor traffic offenses
6 or State or local offenses for which an essential ele-
7 ment was the alien's immigration status; or

8 (5) who has been convicted of a misdemeanor
9 which is an offense of domestic violence, sexual
10 abuse or exploitation, burglary, unlawful possession
11 or use of a firearm, drug distribution or trafficking,
12 driving under the influence, or any other mis-
13 demeanor offense for which the individual was sen-
14 tenced to a term of imprisonment of 90 days or
15 more (not including a suspended sentence).

